

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ines Batinic-Haberle  
Application No.: 10/588,332  
Filing Date: March 22, 2007  
For: SUBSTITUTED PORPHYRINS

Confirmation No. 5716  
Examiner: Paul V. Ward  
Group Art Unit: 1624

Date: May 28, 2010

Mail Stop Issue Fee  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL**

Sir:

Attached is an Information Disclosure Statement listing of documents, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with 37 C.F.R. § 1.98(a)(2)(ii).

☐ In accordance with **37 CFR 1.97(b)**, the information disclosure statement is being filed:

- ☐ (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- ☐ (2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☐ (3) before the mailing of a first Office Action on the merits; or
- ☐ (4) before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☐ In accordance with **37 CFR 1.97(c)**, the information disclosure statement is being filed after the period specified in 37 CFR 1.97(b) above, but before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

☐ (1) The statement specified under **37 CFR 1.97(e)**, as follows:

☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ (2) The fee set forth in §1.17(p);

☒ In accordance with **37 CFR 1.97(d)**, the information disclosure statement is being filed after the period specified in 37 CFR 1.97(c) above, but on or before payment of the issue fee, and is accompanied by **both** of the following:

☒ (1) The statement specified under **37 CFR 1.97(e)**, as follows:

☒ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; **or**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement; **and**

☒ (2) The fee set forth in §1.17(p);

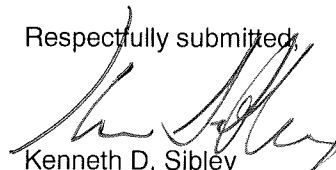
In accordance with **37 CFR 1.97(g)**, the information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with **37 CFR 1.97(h)**, the information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

☒ The Director is hereby authorized to charge the fee specified in 37 C.F.R. § 1.17(p), and any fee deficiency or credit any overpayment, to Deposit Account No. 50-0220; **or**

☐ No fee is believed due. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

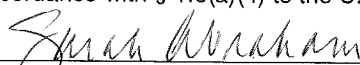
  
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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on May 28, 2010.

  
Name: Sarah Abraham

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In Re: Ines Batinic-Haberle et al.  
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**STATEMENT UNDER 37 C.F.R. § 1.704(d)**

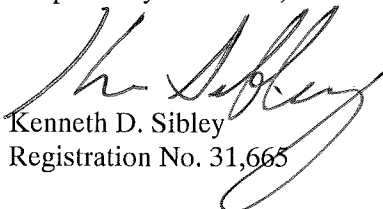
Sir:

Submitted herewith is a paper containing only an information disclosure statement in compliance with 37 C.F.R. §§ 1.97 and 1.98.

Applicants hereby state that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Accordingly, this submission is not to be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the above-referenced application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of 37 C.F.R. § 1.704 for purposes of Patent Term Adjustment.

Respectfully submitted,

  
Kenneth D. Sibley  
Registration No. 31,665

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Signature:   
Sarah Abraham

898349